

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION
IN ADMIRALTY

SHM SKULL CREEK, LLC,

Civil Action No.: 9:22-cv-00105-DCN

Plaintiff,

VERIFIED COMPLAINT

vs.

WILLIAM D. DETORRE and S/V MAI KAI, her
engines, bowspirit, anchor, cables, chains,
rigging, tackle, apparel, sails, furniture and all
accessories hereunto appertaining and
belonging to her, *in rem*,

Defendants.

Plaintiff, SHM Skull Creek, LLC (hereinafter referred to as "Plaintiff"), complaining of the
above Defendants alleges as follows:

JURISDICTION

1. This is a case of foreclosure of a maritime lien for necessities and breach of a
maritime contract and is an admiralty and maritime claim within the meaning of Rule 9(h) of the
Federal Rules of Civil Procedure.

2. Plaintiff invokes the admiralty jurisdiction of this Honorable Court pursuant to 28
U.S.C. § 1333(1).

3. This case is governed under The Commercial Instruments and Maritime Lien Act, 46
U.S.C.A. § 31301 *et. seq.*, the General Maritime Law of the United States, and laws supplemental
thereto and amendatory thereof.

4. This action is filed under and pursuant to Rule C of the Supplemental Rules for
Certain Admiralty and Maritime Claims and Asset Forfeiture Actions.

PARTIES

5. Plaintiff is an entity existing under the laws of the State Delaware, is licensed to do business in the state of South Carolina and operates a marina named Safe Harbor Skull Creek located at 1 Waterway Lane, Hilton Head Island, South Carolina (hereinafter referred to as “Marina”).

6. Upon information and belief, S/V MAI KAI is a U.S. flagged vessel, assigned U.S. Coast Guard Official Number 1151790 (hereinafter referred to as “the Vessel”), is now, or will be, during the pendency of the action within the District of South Carolina and within the jurisdiction of this Court.

7. Upon information and belief, defendant William D. Detorre is over 18 years of age and a resident of the State of South Carolina.

FACTS

8. According to the U.S. Coast Guard National Vessel Documentation Center, the Vessel is owned by defendant William D. Detorre.

9. Defendant William D. Detorre has docked the Vessel at Plaintiff’s Marina.

10. The Vessel has been docked at Plaintiff’s Marina prior to July 1, 2019.

11. Defendant William D. Detorre has failed to pay dockage to Plaintiff for the Vessel:

12. As of January 1, 2022, there remains due and owing to Plaintiff in excess of \$14,066.34, plus additional electrical and finance charges and dockage charges of \$816.00 per month for each month the Vessel remains at the Marina.

FIRST CAUSE OF ACTION (Enforcement of Plaintiff’s Maritime Lien)

13. Plaintiff repeats and incorporates by reference the allegations set forth in paragraphs “1” through “12” of this Verified Complaint with the same force and effect as if more fully set forth herein.

14. Plaintiff has a maritime lien against the Vessel for the sums due for the services and necessities provided to said Vessel, including, but not limited to, providing dockage and electricity.

15. In order to enforce its maritime lien, Plaintiff has the right to have the Vessel arrested and sold.

16. All and singular, the claims of this Verified Complaint are true, and Plaintiff has the right to have its Maritime lien enforced in preference and priority over any and all persons claiming liens against the Vessel.

SECOND CAUSE OF ACTION
(Breach of Contract)

17. Plaintiff repeats and incorporates by reference the allegations set forth in paragraphs “1” through “12” of this Verified Complaint with the same force and effect as if more fully set forth herein.

18. Plaintiff has been sending defendant William D. Detorre monthly invoices for dockage of the Vessel, which William D. Detorre has failed to pay.

19. Despite receiving these monthly invoices, defendant William D. Detorre has failed to remove the Vessel from the Marina.

20. Defendant William D. Detorre is in breach of his implied contract with Plaintiff failing to pay dockage when due.

21. Plaintiff has suffered damages as a result of defendant William D. Detorre breach of said contract.

THIRD CAUSE OF ACTION
(Quantum Meruit)

22. Plaintiff repeats and incorporates by reference the allegations set forth in paragraphs “1” through “12” inclusive of this Verified Complaint with the same force and effect as if more fully set forth herein.

23. Plaintiff provided valuable services to defendant William D. Detorre, consisting of storage and electricity for the Vessel.

24. Defendant William D. Detorre accepted said services and benefitted from said services.

25. Under the circumstances, defendant William D. Detorre was fully aware that Plaintiff was expecting to be paid by him for these services.

26. Defendant William D. Detorre owes Plaintiff money for these services.

PRAYER

WHEREFORE, by reason of the foregoing, Plaintiff prays that process in due form of law in admiralty and maritime cases issue against the Vessel, her engines, bowspirit, anchor, cables, chains, rigging, tackle, sails, apparel, furniture and all accessories hereunto appertaining and belonging to her, *in rem*; that the Defendant Vessel be arrested and sold to satisfy Plaintiff's maritime lien; that all persons claiming an interest therein be cited to appear and answer the Plaintiff's Complaint; that Defendant be required to appear and answer Plaintiff's Complaint; that judgment be rendered for Plaintiff against the Defendant; that Plaintiff be fully compensated and

awarded compensatory and general damages, plus reasonable attorney's fees, *custodia legis* expenses, additional pre-judgment interest through date of judgment, costs of collection, and costs of the action; that all expert fees be taxed as costs; and that this Court award any other amount and grant any other relief as may be in the interests of justice.

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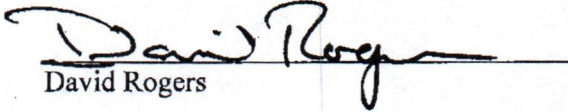
Mount Pleasant, South Carolina
January 12, 2022

Verification

COMES NOW, David Rogers, who deposes and says as follows:

1. My name is David Rogers, I am a Citizen of the United States, over the age of 18, and of sound mind.
2. I am the Regional Vice President of the Coastal Carolinas Region of Safe Harbor Marinas and am authorized by SHM Skull Creek, LLC to sign this Verification.
3. I have read the foregoing Verified Amended Complaint and know the contents thereof and the same are true to the best of my knowledge, except as to those matters therein stated to be on information and belief, and as to those matters I believe them to be true.
4. The sources of my information and the grounds of my belief are my personal knowledge and documents in my possession from SHM Skull Creek, LLC.

Further Affiant Sayeth Naught.


David Rogers

SWORN TO AND SUBSCRIBED BEFORE ME
this 10th day of January, 2022.

Gloria J McGrew
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 5-11-2027

